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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

Title:	HUMAN HYDROLASE PROTEINS		
Serial No.:	09/831,455	Filing Date:	May 8, 2001
Examiner:	Steadman, D.	Group Art Unit:	1652

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DECLARATION OF DR. TOD BEDILION
UNDER 37 C.F.R. § 1.132

I, TOD BEDILION, a citizen of the United States, residing at 132 Winding Way, San Carlos, California, declare that:

1. I was employed by Incyte Corporation (hereinafter "Incyte") as a Director of Corporate Development until May 11, 2001. I am currently under contract to be a Consultant to Incyte Corporation.

2. In 1996, I received a Ph.D. degree in Cell, Molecular and Development Biology from UCLA. I had previously received, in 1988, a B.S. degree in biology from UCLA.

Upon my graduation from UCLA, I became, in April 1996, the first employee of Synteni, Inc. (hereinafter "Synteni"). I was a Research Director at Synteni from April 1996 until Synteni was acquired by Incyte in early 1998.

I understand that Synteni was founded in 1994 by T. Dari Shalon while he was a graduate student at Stanford University. I further understand that Synteni was founded for the purpose of commercially exploiting certain "cDNA microarray" technology that was being worked on at Stanford in the early to mid-1990s. That technology, which I will sometimes refer

to herein as the "Stanford-developed cDNA microarray technology", was the subject of Dr. Shalon's doctoral thesis at Stanford. I understand and believe that Dr. P.O. Brown was Dr. Shalon's thesis advisor at Stanford.

During the period beginning before I was employed by Synteni and ending upon its acquisition by Incyte in early 1998, I understand Synteni was the exclusive licensee of the Stanford-developed cDNA microarray technology, subject to any right that the United States government may have with respect to that technology. In early 1998, I understand Incyte acquired rights under the Stanford-developed cDNA microarray technology as part of its acquisition of Synteni.

I understand that at the time of the commencement of my employment at Synteni in April 1996, Synteni's rights with respect to the Stanford-developed cDNA technology included rights under a United States patent application that had been filed June 7, 1995 in the names of Drs. Brown and Shalon and that subsequently issued as United States Patent No. 5,807,522 (the Brown '522 patent). In December 1995, the subject matter of the Brown '522 patent was published based on a PCT patent application that had also been filed in June 1995. The Brown '522 patent (and its corresponding PCT application) describes the use of the Stanford-developed cDNA technology in a number of gene expression monitoring applications, as will be discussed more fully below.

Upon Incyte's acquisition of Synteni, I became employed by Incyte. From early 1998 until late 1999, I was an Associate Research Director at Incyte. In late 1999, I was promoted to the position of Director, Corporate Development.

I have been aware of the Stanford-developed cDNA microarray technology since shortly before I commenced my employment at Synteni. While I was employed by Synteni, virtually all (if not all) of my work efforts (as well as the work efforts of others employed by Synteni) were directed to the further development and commercial exploitation of that cDNA microarray technology. By the end of 1997, those efforts had progressed to the point that I understand Incyte agreed to pay at least about $80 million to acquire Synteni. Since I have been employed by Incyte, I have continued to work on the further development and commercial exploitation of the cDNA microarray technology that was first developed at Stanford in the early to mid-1990s.

3. I have reviewed the specification of a United States patent application that I understand was filed on May 8, 2001 in the names of Tang et al. and was assigned Serial No. 09/831,455 (hereinafter "the Tang '455 application"). Furthermore, I understand that this United States patent application is the National Stage of International Application No. PCT/US99/27009, filed May 8, 2001, which claims the benefit under 35 U.S.C. § 119(e) of provisional application United States Serial No. 60/135,519 filed on May 21, 1999 (hereinafter "the Hillman '519 application"). The Hillman '519 application contains the same disclosure with respect to the claimed invention as the Tang '455 application. Note that the sequences of SEQ ID NO:6 and SEQ ID NO:22 disclosed in the Tang '455 application are identical to the sequences referred to as SEQ ID NO:5 and SEQ ID NO:20, respectively, in the Hillman '519 application). My remarks herein will therefore be directed to the Hillman '519 patent application, and May 21, 1999, as the relevant date of filing. In broad overview, the Hillman '519 specification pertains to certain nucleotide and amino acid sequences and their use in a number of applications, including gene expression monitoring applications that are useful in connection with (a) developing drugs (e.g., the diagnosis of inherited and acquired genetic disorders, expression profiling, toxicology testing, and drug development with respect to cell proliferation, immune system, genetic, and neurological disorders), and (b) monitoring the activity of drugs for purposes relating to evaluating their efficacy and toxicity.

4. I understand that (a) the Tang '455 application contains claims that are directed to isolated and purified polynucleotides having the sequences of SEQ ID NO:6-encoding polynucleotides, for example SEQ ID NO:22 (hereinafter "the SEQ ID NO:6-encoding polynucleotides"), and (b) the Patent Examiner has rejected those claims on the grounds that the specification of the Tang '455 application does not disclose a substantial, specific and credible utility for the claimed SEQ ID NO:6-encoding polynucleotides. I further understand that whether or not a patent specification discloses a substantial, specific and credible utility for its claimed subject matter is properly determined from the perspective of a person skilled in the art to which the specification pertains at the time of the patent application was filed. In addition, I understand that a substantial, specific and credible utility under the patent laws must be a "real-world" utility.

5. I have been asked (a) to consider with a view to reaching a conclusion (or conclusions) as to whether or not I agree with the Patent Examiner's position that the Tang '455 application and its priority application, the Hillman '519 application, does not disclose a substantial, specific and credible "real-world" utility for the claimed SEQ ID NO:6-encoding polynucleotides, and (b) to state and explain the bases for any conclusions I reach. I have been informed that, in connection with my considerations, I should determine whether or not a person skilled in the art to which the Hillman '519 application pertains on May 21, 1999 would have concluded that the Hillman '519 application disclosed, for the benefit of the public, a specific beneficial use of the SEQ ID NO:6-encoding polynucleotides in their then available and disclosed form. I have also been informed that, with respect to the "real-world" utility requirement, the Patent and Trademark Office instructs its Patent Examiners in Section 2107 of the Manual of Patent Examining Procedure, under the heading "I. Specific and Substantial Requirement," sub-heading "Research Tools":

> "Many research tools such as gas chromatographs, screening assays, and nucleotide sequencing techniques have a clear, specific and unquestionable utility (e.g., they are useful in analyzing compounds). An assessment that focuses on whether an invention is useful only in a research setting thus does not address whether the specific invention is in fact 'useful' in a patent sense. Instead, Office personnel must distinguish between inventions that have a specifically identified substantial utility and inventions whose asserted utility requires further research to identify or reasonably confirm."

6. I have considered the matters set forth in paragraph 5 of this Declaration and have concluded that, contrary to the position I understand the Patent Examiner has taken, the specification of the Hillman '519 patent application disclosed to a person skilled in the art at the time of its filing a number of substantial, specific and credible real-world utilities for the claimed SEQ ID NO:6-encoding polynucleotides. More specifically, persons skilled in the art on May 21, 1999 would have understood the Hillman '519 application to disclose the use of the SEQ ID NO:6-encoding polynucleotides in a number of gene expression monitoring applications that were well-known at that time to be useful in connection with the development of drugs and the monitoring of the activity of such drugs. I explain the bases for reaching my conclusion in this regard in paragraphs 7-16 below.

7. In reaching the conclusion stated in paragraph 6 of this Declaration, I considered (a) the specification of the Hillman '519 application, and (b) a number of published articles and patent documents that evidence gene expression monitoring techniques that were well-known before the May 21, 1999 filing date of the Hillman '519 application. The published articles and patent documents I considered are:

(a) Schena, M., Shalon, D., Heller, R., Chai, A., Brown, P.O., and Davis, R.W., Parallel human genome analysis: Microarray-based expression monitoring of 1000 genes, Proc. Natl. Acad. Sci. USA, 93, 10614-10619 (1996) (hereinafter "the Schena 1996 article") (copy annexed at Tab A);

(b) Schena, M., Shalon, D., Davis, R.W., Brown, P.O., Quantitative Monitoring of Gene Expression Patterns with a Complementary DNA Microarray, Science, 270, 467-470 (1995) (hereinafter "the Schena 1995 article") (copy annexed at Tab B);

(c) Shalon and Brown PCT patent application WO 95/35505 titled "Method and Apparatus For Fabricating Microarrays Of Biological Samples," filed on June 16, 1995, and published on December 28, 1995 (hereinafter "the Shalon PCT application") (copy annexed at Tab C);

(d) Brown and Shalon U.S. Patent No. 5,807,522, corresponding to the Shalon PCT application, titled "Methods For Fabricating Microarrays Of Biological Samples," filed on June 7, 1995 and issued on September 15, 1998 (hereinafter "the Brown '522 patent") (copy annexed at Tab D);

(e) DeRisi, J., Penland, L., and Brown, P.O. (Group 1); Bittner, M.L., Meltzer, P.S., Ray, M., Chen, Y., Su, Y.A., and Trent, J.M. (Group 2), Use of a cDNA microarray to analyse gene expression patterns in human cancer, Nat. Genet., 14(4), 457-460 (1996) (hereinafter "the DeRisi article") (copy annexed at Tab E);

(f) Shalon, D., Smith, S.J., and Brown, P.O., A DNA Microarray System for Analyzing Complex DNA Samples Using Two-color Fluorescent Probe Hybridization, Genome Res., 6(7), 639-645 (1996) (hereinafter "the Shalon article") (copy annexed at Tab F);

(g) Heller, R.A., Schena, M., Chai A., Shalon, D., Bedilion, T., Gilmore, J., Woolley, D.E., and Davis R.W., Discovery and analysis of inflammatory disease-

related genes using cDNA microarrays, Proc. Natl. Acad. Sci. USA, 94, 2150-2155 (1997) (hereinafter "the Heller article")(copy annexed at Tab G); and

(h) Sambrook, J., Fritsch, E.F., Maniatis, T., Molecular Cloning, A Laboratory Manual, pages 7.37 and 7.38, Cold Spring Harbor Press (1989) (hereinafter "the Sambrook Manual") (copy annexed at Tab H).

8. Many of the published articles and patent documents I considered (i.e., at least items (a)-(f) identified in paragraph 7) relate to work done at Stanford University in the early and mid-1990s with respect to the development of cDNA microarrays for use in gene expression monitoring applications under which Synteni became exclusively licensed. As I will discuss, a person skilled in the art who read the Hillman '519 application on May 21, 1999 would have understood that application to disclose the SEQ ID NO:6-encoding polynucleotides to be useful for a number of gene expression monitoring applications, e.g., as a probe for the expression of that specific polynucleotide in cDNA microarrays of the type first developed at Stanford.

Furthermore, items (a)-(g) establish that gene expression monitoring applications utilizing cDNA microarrays were well-known and established methods routinely used in toxicology testing and drug development at the time of filing the Hillman '519 application and for several years prior to May 21, 1999. As such, one of ordinary skill in the art would have recognized that the SEQ ID NO:6-encoding polynucleotides could be used in toxicology testing and drug development, irrespective of the biochemical activities of the encoded polypeptide.

9. Turning more specifically to the Hillman '519 specification, the SEQ ID NO:22 polynucleotide is shown at p. 19 as one of 30 sequences under the heading "Sequence Listing." The Hillman '519 specification specifically teaches that the invention provides an isolated and purified polynucleotide comprising a polynucleotide sequence of SEQ ID NO:22 (Hillman '519 application at p. 4). It further teaches that (a) the identity of the SEQ ID NO:22 polynucleotide was determined from a diseased prostate tissue cDNA library (PROSNOT18) derived from a patient with adenofibromatous hyperplasia (Hillman '519 application, Table 4), (b) the SEQ ID NO:22 polynucleotide encodes for the leucine-rich glycoprotein (HYDRL) shown

as SEQ ID NO:6 (Hillman '519 application at Tables 1 and 2), and (c) northern analysis of SEQ ID NO:22 shows its expression predominantly in cDNA libraries associated with gastrointestinal, reproductive, hematopoietic/immune, and cardiovascular tissues and in tissues associated with cancer or inflammation. (Hillman '519 application at Table 3).

The Hillman '519 application discusses a number of uses of the SEQ ID NO:6-encoding polynucleotides in addition to their use in gene expression monitoring applications. I have not fully evaluated these additional uses in connection with the preparation of this Declaration and do not express any views in this Declaration regarding whether or not the Hillman '519 specification discloses these additional uses to be substantial, specific and credible real-world utilities of the SEQ ID NO:6-encoding polynucleotides. Consequently, my discussion in this Declaration concerning the Hillman '519 application focuses on the portions of the application that relate to the use of the SEQ ID NO:6-encoding polynucleotides in gene expression monitoring applications.

10. The Hillman '519 application discloses that the polynucleotide sequences disclosed therein, including the SEQ ID NO:6-encoding polynucleotides, are useful as probes in microarrays. It further teaches that the microarrays can be used "to monitor the expression level of large numbers of genes simultaneously" for a number of purposes, including "to develop and monitor the activities of therapeutic agents" (Hillman '519 application at p. 35, lines 23-28).

In the paragraph immediately following the Hillman '519 teachings described in the preceding paragraph of this Declaration, the Hillman '519 application teaches that microarrays can be prepared using the previously mentioned cDNA microarray technology developed at Stanford in the early to mid-1990s. In this connection, the Hillman '519 application specifically cites to the Schena 1996 article identified in item (a) of paragraph 7 of this Declaration (Hillman '519 application at p. 35; *supra*, paragraph 7).

The Schena 1996 article is one of a number of documents that were published prior to the May 21, 1999 filing date of the Hillman '519 application that describes the use of the Stanford-developed cDNA technology in a wide range of gene expression monitoring applications, including monitoring and analyzing gene expression patterns in human cancer. In view of the Hillman '519 application, the Schena 1996 article, and other related pre-May 1999

publications, persons skilled in the art on May 21, 1999 clearly would have understood the Hillman '519 application to disclose the SEQ ID NO:6-encoding polynucleotides to be useful in cDNA microarrays for the development of new drugs and monitoring the activities of drugs for such purposes as evaluating their efficacy and toxicity, as explained more fully in paragraph 15 below.

With specific reference to toxicity evaluations, those of skill in the art who were working on drug development in May 1999 (and for many years prior to May 1999) without any doubt appreciated that the toxicity (or lack of toxicity) of any proposed drug they were working on was one of the most important criteria to be considered and evaluated in connection with the development of the drug. They would have understood at that time that good drugs are not only potent, they are specific. This means that they have strong effects on a specific biological target and minimal effects on all other biological targets. Ascertaining that a candidate drug affects its intended target, and identification of undesirable secondary effects (i.e., toxic side effects), had been for many years among the main challenges in developing new drugs. The ability to determine which genes are positively affected by a given drug, coupled with the ability to quickly and at the earliest time possible in the drug development process identify drugs that are likely to be toxic because of their undesirable secondary effects, have enormous value in improving the efficiency of the drug discovery process, and are an important and essential part of the development of any new drug. Accordingly, the teachings in the Hillman '519 application, in particular regarding use of the SEQ ID NO:6-encoding polynucleotides in differential gene expression analysis and in the development and the monitoring of the activities of drugs, clearly includes toxicity studies and persons skilled in the art who read the Hillman '519 application on May 21, 1999 would have understood that to be so.

11. The Schena 1996 article was not the first publication that described the use of the cDNA microarray technique developed at Stanford to monitor quantitatively gene expression patterns. More than a year earlier (i.e., in October 1995), the Schena 1995 article, titled "Quantitative Monitoring of Gene Expression Patterns with a Complementary DNA Microarray", was published (see Tabs A and B).

12. As previously discussed (*supra*, paragraphs 2 and 7), in the mid-1990s patent applications were filed in the names of Drs. Shalon and Brown that described the Stanford-developed cDNA microarray technology. The two patent documents (i.e., the Shalon PCT application and the Brown '522 patent) annexed to this Declaration at Tabs C and D evidence information that was available to the public regarding the Stanford-developed cDNA microarray technology before the May 21, 1999 filing date of the Hillman '519 application.

The Shalon PCT patent application, which was published in December 1995, contains virtually the same (if not exactly the same) specification as the Brown '522 patent. Hence, the Brown '522 patent disclosure was, in effect, available to the public as of the December 1995 publication date of the Shalon PCT application (see Tabs C and D). For the sake of convenience, I cite to and discuss the Brown '522 specification below on the understanding that the descriptions in that specification were published as of the December 28, 1995 publication date of the Shalon PCT application.

The Brown '522 patent discusses, in detail, the utility of the Stanford-developed cDNA microarrays in gene expression monitoring applications. For example, in the "Summary Of The Invention" section, the Brown '522 patent teaches (see Tab D, col. 4, line 52-col. 5, line 8):

> Also forming part of the invention is a method of detecting differential expression of each of a plurality of genes in a first cell type, with respect to expression of the same genes in a second cell type. In practicing the method, there is first produced fluorescent-labeled cDNAs from mRNAs isolated from two cells types, where the cDNAs from the first and second cell types are labeled with first and second different flourescent reporters.
>
> A mixture of the labeled cDNAs from the two cell types is added to an array of polynucleotides representing a plurality of known genes derived from the two cell types, under conditions that result in hybridization of the cDNAs to complementary-sequence polynucleotides in the array. The array is then examined by fluorescence under fluorescence excitation conditions in which (i) polynucleotides in the array that are hybridized predominantly to cDNAs derived from one of the first or second cell types give a distinct first and second fluorescence emission color, respectively, and (ii) polynucleotides in the array that are hybridized to substantially equal numbers of cDNAs derived from the first and

> second cell types give a distinct combined fluorescence emission color, respectively. The relative expression of known genes in the two cell types can then be determined by the observed fluorescence emission color of each spot.

The Brown '522 patent further teaches that the "[m]icroarrays of immobilized nucleic acid sequences prepared in accordance with the invention" can be used in "numerous" genetic applications, including "monitoring of gene expression" applications (see Tab D at col. 14, lines 36-42). The Brown '522 patent teaches (a) monitoring gene expression (i) in different tissue types, (ii) in different disease states, and (iii) in response to different drugs, and (b) that arrays disclosed therein may be used in toxicology studies (see Tab D at col. 15, lines 13-18 and 52-58 and col. 18, lines 25-30).

13. Also pertinent to my considerations underlying this Declaration is the DeRisi article, published in December 1996. The DeRisi article describes the use of the Stanford-developed cDNA microarray technology "to analyze gene expression patterns in human cancer" (see Tab E at, e.g., p. 457). The DeRisi article specifically indicates, consistent with what was apparent to persons skilled in the art in December 1996, that increasing the number of genes on the cDNA microarray permits a "more comprehensive survey of gene expression patterns," thereby enhancing the ability of the cDNA microarray to provide "new and useful insights into human biology and a deeper understanding of the gene pathways involved in the pathogenesis of cancer and other diseases" (see Tab E at p. 458).

14. Other pre-May 1999 publications further evidence the utility of the cDNA microarrays first developed at Stanford in a wide range of gene expression monitoring applications (see, e.g., the Shalon and the Heller articles at Tabs F and G). By no later than the March 1997 publication of the Heller article, these publications showed that employees of Synteni (i.e., James Gilmore and myself) had used the cDNA microarrays in specific gene expression monitoring applications (see Tab G).

The Heller article states that the results reported therein "successfully demonstrate the use of the cDNA microarray system as a general approach for dissecting human diseases"

(Tab G at p. 2150). Among other things, the Heller article describes the investigation of "1000 human genes that were randomly selected from a peripheral human blood cell library" and "[t]heir differential and quantitative expression analysis in cells of the joint tissue. . . to demonstrate the utility of the microarray method to analyze complex diseases by their pattern of gene expression" (see Tab G at pp. 2150 *et seq.*).

Much of the work reported on in the Heller article was done in 1996. That article, therefore, evidences how persons skilled in the art were readily able, well prior to May 21, 1999, to make and use cDNA microarrays to achieve highly useful results. For example, as reported in the Heller article, a cDNA microarray that was used in some of the highly successful work reported on therein was made from 1,000 genes randomly selected from a human blood cell library.

15. A person skilled in the art on May 21, 1999, who read the Hillman '519 application, would understand that application to disclose the SEQ ID NO:6-encoding polynucleotides, for example, SEQ ID NO:22, to be highly useful as probes for the expression of that specific polynucleotide in cDNA microarrays of the type first developed at Stanford. For example, the specification of the Hillman '519 application would have led a person skilled in the art in May 1999 who was using gene expression monitoring in connection with working on developing new drugs for the treatment of cell proliferation, immune system, genetic, and neurological disorders to conclude that a cDNA microarray that contained the SEQ ID NO:6-encoding polynucleotides would be a highly useful tool and to request specifically that any cDNA microarray that was being used for such purposes contain the SEQ ID NO:6-encoding polynucleotides. Persons skilled in the art would appreciate that cDNA microarrays that contained the SEQ ID NO:6-encoding polynucleotides would be a more useful tool than cDNA microarrays that did not contain the polynucleotides in connection with conducting gene expression monitoring studies on proposed (or actual) drugs for treating cell proliferation, immune system, genetic, and neurological disorders for such purposes as evaluating their efficacy and toxicity.

I discuss in more detail in items (a)-(f) below a number of reasons why a person skilled in the art, who read the Hillman '519 specification in May 1999, would have concluded

based on that specification and the state of the art at that time, that the SEQ ID NO:6-encoding polynucleotides would be a highly useful tool for inclusion in cDNA microarrays for evaluating the efficacy and toxicity of proposed drugs for treating cell proliferation, immune system, genetic, and neurological disorders, as well as for other evaluations:

(a) The Hillman '519 application teaches the SEQ ID NO:6-encoding polynucleotides to be useful as probes in cDNA microarrays of the type first developed at Stanford. It also teaches that such cDNA microarrays are useful in a number of gene expression monitoring applications, including "developing and monitoring the activity of therapeutic agents [i.e., drugs]" (see paragraph 10, *supra*).

(b) By May 1999, the Stanford-developed cDNA microarray technology was a well known and widely accepted tool for use in a wide range of gene expression monitoring applications. This is evidenced, for example, by numerous publications describing the use of that cDNA technology in gene expression monitoring applications and the fact that, for over a year, the technology had provided the basis for the operations of an up-and-running company (Synteni), with employees, that was created for the purpose of developing and commercially exploiting that technology (see paragraphs 2, 8 and 10-14, *supra*). The fact that Incyte agreed to purchase Synteni in late 1997 for an amount reported to be at least about $80 million only serves to underscore the substantial practical and commercial significance, in 1997, of the cDNA microarray technology first developed at Stanford (see paragraph 2, *supra*).

(c) The pre-May 1999 publications regarding the cDNA microarray technology first developed at Stanford that I discuss in this Declaration repeatedly confirm that, consistent with the teachings in the Hillman '519 application, cDNA microarrays are highly useful tools for conducting gene expression monitoring applications with respect to the development of drugs and the monitoring of their activity. Among other things, those pre-May 1999 publications confirmed that cDNA microarrays (i) were useful for monitoring gene expression responses to different drugs (see paragraph 12, *supra*), (ii) were useful in analyzing gene expression patterns in human cancer, with increasing the number of genes on the cDNA microarray enhancing the ability of the cDNA microarray to provide useful information (see paragraph 13, supra), and (iii) were a valuable tool for use as part of a "general approach for

dissecting human diseases" and for "analyz[ing] complex diseases by their pattern of gene expression" (see paragraph 14, supra).

(d) Based on my own extensive work for a company whose business was the development and commercial exploitation of cDNA microarray technology for more than two years prior to the May 1999 filing date of the Hillman '519 application, I have first-hand knowledge concerning the state of the art with respect to making and using cDNA microarrays as of May 21, 1999 (see paragraphs 2 and 14, *supra).* Persons skilled in the art as of that date would have (a) concluded that the Hillman '519 application disclosed cDNA microarrays containing the SEQ ID NO:6-encoding polynucleotides to be useful, and (b) readily been able to make and use such microarrays with useful results.

(e) The Hillman '519 specification contains a number of teachings that would lead persons skilled in the art on May 21, 1999 to conclude that a cDNA microarray that contained the SEQ ID NO:6-encoding polynucleotides would be a more useful tool for gene expression monitoring applications relating to drugs for treating cell proliferation, immune system, genetic, and neurological disorders than a cDNA microarray that did not contain the SEQ ID NO:6-encoding polynucleotides. Among other things, the Hillman '519 specification teaches that the identity of the SEQ ID NO:22 polynucleotide was determined from a diseased prostate tissue cDNA library (PROSNOT18) derived from a patient with adenofibromatous hyperplasia (Hillman '519 application, Table 4). Moreover, northern analysis of SEQ ID NO:22 shows its expression predominantly in cDNA libraries associated with gastrointestinal, reproductive, hematopoietic/immune, and cardiovascular tissues and in tissues associated with cancer or inflammation. (Hillman '519 application at Table 3). (See paragraph 9, *supra*).

(f) Persons skilled in the art on May 21, 1999 would have appreciated (i) that the gene expression monitoring results obtained using a cDNA microarray containing a probe to a sequence selected from the group consisting of SEQ ID NO:6-encoding polynucleotides would vary, depending on the particular drug being evaluated, and (ii) that such varying results would occur both with respect to the results obtained from the probe described in (i) and from the cDNA microarray as a whole (including all its other individual probes). These kinds of varying results, depending on the identity of the drug being tested, in no way detracts from my conclusion that persons skilled in the art on May 21, 1999, having read the Hillman

'519 specification, would specifically request that any cDNA microarray that was being used for conducting gene expression monitoring studies on drugs for treating cell proliferation, immune system, genetic, and neurological disorders (*e.g.*, a toxicology study or any efficacy study of the type that typically takes place in connection with the development of a drug) contain any one of the SEQ ID NO:6-encoding polynucleotides as a probe. Persons skilled in the art on May 21, 1999 would have wanted their cDNA microarray to have a probe as described in (i) because a microarray that contained such a probe (as compared to one that did not) would provide more useful results in the kind of gene expression monitoring studies using cDNA microarrays that persons skilled in the art have been doing since well prior to May 21, 1999.

The foregoing is not intended to be an all-inclusive explanation of all my reasons for reaching the conclusions stated in this paragraph 15, and in paragraph 6, *supra*. In my view, however, it provides more than sufficient reasons to justify my conclusions stated in paragraph 6 of this Declaration regarding the Hillman '519 application disclosing to persons skilled in the art at the time of its filing substantial, specific and credible real-world utilities for the SEQ ID NO:6-encoding polynucleotides.

16. Also pertinent to my considerations underlying this Declaration is the fact that the Hillman '519 disclosure regarding the uses of the SEQ ID NO:22 polynucleotide for gene expression monitoring applications is <u>not</u> limited to the use of that polynucleotide as a probe in microarrays. For one thing, the Hillman '519 disclosure regarding the hybridization technique used in gene expression monitoring applications is broad (Hillman '519 application at, e.g., p. 4, lines 27-32).

In addition, the Hillman '519 specification repeatedly teaches that the polynucleotides described therein (including the polynucleotide of SEQ ID NO:22) may desirably be used as probes in any of a number of long established "standard" non-microarray techniques, such as Northern analysis, for conducting gene expression monitoring studies. See, e.g.:

(a) Hillman '519 application at p. 9, lines 11-13 ("[N]orthern analysis is indicative of the presence of nucleic acids encoding HYDRL in a sample, and thereby correlates with expression of the transcript from the polynucleotide encoding HYDRL");

(b) Hillman '519 application at p. 34, lines 13-16 ("The polynucleotide sequences encoding HYDRL may be used in Southern or northern analysis, dot blot, or other membrane-based technologies; in PCR technologies; in dipstick, pin, and multiformat ELISA-like assays; and in microarrays utilizing fluids or tissues from patients to detect altered HYDRL expression. Such qualitative or quantitative methods are well known in the art");

(c) Hillman '519 application at p. 34, lines 27-35 ("In order to provide a basis for the diagnosis of a disorder associated with expression of HYDRL, a normal or standard profile for expression is established. This may be accomplished by combining body fluids or cell extracts taken from normal subjects, either animal or human, with a sequence, or a fragment thereof, encoding HYDRL, under conditions suitable for hybridization or amplification. Standard hybridization may be quantified by comparing the values obtained from normal subjects with values from an experiment in which a known amount of a substantially purified polynucleotide is used. Standard values obtained in this manner may be compared with values obtained from samples from patients who are symptomatic for a disorder. Deviation from standard values is used to establish the presence of a disorder") (emphasis supplied); and

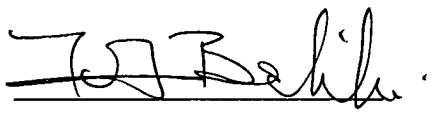
(d) Hillman '519 application at p. 39, lines 24-27 ("Northern analysis is a laboratory technique used to detect the presence of a transcript of a gene and involves the hybridization of a labeled nucleotide sequence to a membrane on which RNAs from a particular cell type or tissue have been bound. (See, e.g., Sambrook, supra, ch. 7; Ausubel, 1995, supra, ch. 4 and 16.)"

The "Sambrook et al." reference cited in item (d) immediately above is a reference that was well known to persons skilled in the art in May 1999. A copy of pages from that reference manual, which was published in 1989, is annexed to this Declaration at Tab H. The attached pages from the Sambrook manual provide an overview of northern analysis and other membrane-based technologies for conducting gene expression monitoring studies that were known and used by persons skilled in the art for many years prior to the May 21, 1999 filing date of the Hillman '519 application.

A person skilled in the art on May 21, 1999, who read the Hillman '519 specification, would have routinely and readily appreciated that the SEQ ID NO:6-encoding polynucleotides disclosed therein would be useful as a probe to conduct gene expression monitoring analyses using northern analysis or any of the other traditional membrane-based gene expression monitoring techniques that were known and in common use many years prior to the

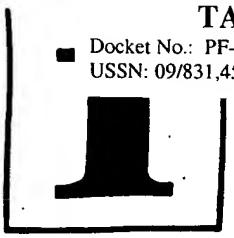
filing of the Hillman '519 application. For example, a person skilled in the art in May 1999 would have routinely and readily appreciated that the SEQ ID NO:6-encoding polynucleotides would be a useful tool in conducting gene expression analyses, using the northern analysis technique, in furtherance of (a) the development of drugs for the treatment of cell proliferation, immune system, genetic, and neurological disorders, and (b) analyses of the efficacy and toxicity of such drugs.

17. I declare further that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, and that willful false statements may jeopardize the validity of this application and any patent issuing thereon.



Tod Bedilion

Signed at Redwood City, California
this 13th day of November, 2003



Molecular Cloning

A LABORATORY MANUAL

SECOND EDITION

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Cold Spring Harbor Laboratory Press
1989

Analysis of RNA

A number of methods have been developed to quantitate, measure the size of, and map the 5′ and 3′ termini of specific mRNA molecules in preparations of cellular RNA. These include:

- *Northern hybridization (RNA blotting),* in which the size and amount of specific mRNA molecules in preparations of total or poly(A)$^+$ RNA are determined (Alwine et al. 1977, 1979). The RNA is separated according to size by electrophoresis through a denaturing agarose gel and is then transferred to activated cellulose (Alwine et al. 1977; Seed 1982b), nitrocellulose (Goldberg 1980; Thomas 1980; Seed 1982a), or glass or nylon membranes (Bresser and Gillespie 1983) (see below). The RNA of interest is then located by hybridization with radiolabeled DNA or RNA followed by autoradiography.
- *Dot and slot hybridization,* in which an excess of radiolabeled probe is hybridized to RNA that has been immobilized on a solid support (Kafatos et al. 1979; Thomas 1980; White and Bancroft 1982). Densitometric tracings of the resulting autoradiographs can allow comparative estimates of the amount of the target sequence in various preparations of RNA.
- *Mapping RNA using nuclease S1 or ribonuclease,* in which the precise positions of the 5′ and 3′ termini of the mRNA and the locations of splice junctions can be rigorously determined (Berk and Sharp 1977; Weaver and Weissmann 1979). Labeled or unlabeled RNA or DNA probes derived from various segments of the genomic DNA are hybridized to mRNA, often under conditions favoring the formation of DNA:RNA hybrids (Casey and Davidson 1977). The products of the hybridization are then digested with nuclease S1 or RNAase under conditions favoring digestion of single-stranded nucleic acids only. Analysis of the digestion products by gel electrophoresis yields important quantitative and qualitative information about the mRNA structure.
- *Primer extension,* in which a small radiolabeled fragment of DNA is hybridized to the mRNA and used as a primer for reverse transcriptase. The resulting product should extend to the extreme 5′ terminus of the mRNA, and thus the size of the product reflects the number of nucleotides from the position of the label to the 5′ terminus of the mRNA.
- *Solution hybridization,* in which the absolute concentration of the sequence of interest is calculated from the rate of hybridization of a small amount of a specific radioactive probe with a known quantity of purified cellular RNA (see, e.g., Roop et al. 1978; Durnam and Palmiter 1983). Alternatively, an excess of a radiolabeled probe is incubated with a known amount of RNA. The concentration of the RNA of interest can then be estimated from the amount of radioactivity that becomes resistant to nuclease S1 (see, e.g., Favaloro et al. 1980; Beach and Palmiter 1981; Williams et al. 1986).

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Biochemistry

Discovery and analysis of inflammatory disease-related genes using cDNA microarrays

(inflammation/human genome analysis/gene discovery)

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Contributed by Ronald W. Davis, December 27, 1996

ABSTRACT **cDNA microarray technology is used to profile complex diseases and discover novel disease-related genes. In inflammatory disease such as rheumatoid arthritis, expression patterns of diverse cell types contribute to the pathology. We have monitored gene expression in this disease state with a microarray of selected human genes of probable significance in inflammation as well as with genes expressed in peripheral human blood cells. Messenger RNA from cultured macrophages, chondrocyte cell lines, primary chondrocytes, and synoviocytes provided expression profiles for the selected cytokines, chemokines, DNA binding proteins, and matrix-degrading metalloproteinases. Comparisons between tissue samples of rheumatoid arthritis and inflammatory bowel disease verified the involvement of many genes and revealed novel participation of the cytokine interleukin 3, chemokine Groα and the metalloproteinase matrix metallo-elastase in both diseases. From the peripheral blood library, tissue inhibitor of metalloproteinase 1, ferritin light chain, and manganese superoxide dismutase genes were identified as expressed differentially in rheumatoid arthritis compared with inflammatory bowel disease. These results successfully demonstrate the use of the cDNA microarray system as a general approach for dissecting human diseases.**

The recently described cDNA microarray or DNA-chip technology allows expression monitoring of hundreds and thousands of genes simultaneously and provides a format for identifying genes as well as changes in their activity (1, 2). Using this technology, two-color fluorescence patterns of differential gene expression in the root versus the shoot tissue of *Arabidopsis* were obtained in a specific array of 48 genes (1). In another study using a 1000 gene array from a human peripheral blood library, novel genes expressed by T cells were identified upon heat shock and protein kinase C activation (3).

The technology uses cDNA sequences or cDNA inserts of a library for PCR amplification that are arrayed on a glass slide with high speed robotics at a density of 1000 cDNA sequences per cm^2. These microarrays serve as gene targets for hybridization to cDNA probes prepared from RNA samples of cells or tissues. A two-color fluorescence labeling technique is used in the preparation of the cDNA probes such that a simultaneous hybridization but separate detection of signals provides the comparative analysis and the relative abundance of specific genes expressed (1, 2). Microarrays can be constructed from specific cDNA clones of interest, a cDNA library, or a select number of open reading frames from a genome sequencing database to allow a large-scale functional analysis of expressed sequences.

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Because of the wide spectrum of genes and endogenous mediators involved, the microarray technology is well suited for analyzing chronic diseases. In rheumatoid arthritis (RA), inflammation of the joint is caused by the gene products of many different cell types present in the synovium and cartilage tissues plus those infiltrating from the circulating blood. The autoimmune and inflammatory nature of the disease is a cumulative result of genetic susceptibility factors and multiple responses, paracrine and autocrine in nature, from macrophages, T cells, plasma cells, neutrophils, synovial fibroblasts, chondrocytes, etc. Growth factors, inflammatory cytokines (4), and the chemokines (5) are the important mediators of this inflammatory process. The ensuing destruction of the cartilage and bone by the invading synovial tissue includes the actions of prostaglandins and leukotrienes (6), and the matrix degrading metalloproteinases (MMPs). The MMPs are an important class of Zn-dependent metallo-endoproteinases that can collectively degrade the proteoglycan and collagen components of the connective tissue matrix (7).

This paper presents a study in which the involvement of select classes of molecules in RA was examined. Also investigated were 1000 human genes randomly selected from a peripheral human blood cell library. Their differential and quantitative expression analysis in cells of the joint tissue, in diseased RA tissue and in inflammatory bowel disease (IBD) tissues was conducted to demonstrate the utility of the microarray method to analyze complex diseases by their pattern of gene expression. Such a survey provides insight not only into the underlying cause of the pathology, but also provides the opportunity to selectively target genes for disease intervention by appropriate drug development and gene therapies.

METHODS

Microarray Design, Development, and Preparation. Two approaches for the fabrication of cDNA microarrays were used in this study. In the first approach, known human genes of probable significance in RA were identified. Regions of the clones, preferably 1 kb in length, were selected by their proximity to the 3′ end of the cDNA and for areas of least identity to related and repetitive sequences. Primers were synthesized to amplify the target regions by standard PCR protocols (3). Products were

Abbreviations: RA, rheumatoid arthritis; MMP, matrix-degrading metalloproteinase; IBD, inflammatory bowel disease; LPS, lipopolysaccharide; PMA, phorbol 12-myristate 13-acetate; TNF-α, tumor necrosis factor α; IL, interleukin; TGF-β, transforming growth factor β; GCSF, granulocyte colony-stimulating factor; MIP, macrophage inflammatory protein; MIF, migration inhibitory factor; HME, human matrix metallo-elastase; RANTES, regulated upon activation, normal T cell expressed and secreted; Gel, gelatinase; VCAM, vascular cell adhesion molecule; ICE, IL-1 converting enzyme; PUMP, putative metalloproteinase; MnSOD, manganese superoxide dismutase; TIMP, tissue inhibitor of metalloproteinase; MCP, macrophage chemotactic protein.

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verified by gel electrophoresis and purified with Qiaquick 96-well purification kit (Qiagen, Chatsworth, CA), lyophilized (Savant), and resuspended in 5 μl of 3× standard saline citrate (SSC) buffer for arraying. In the second approach, the microarray containing the 1056 human genes from the peripheral blood lymphocyte library was prepared as described (3).

Tissue Specimens. Rheumatoid synovial tissue was obtained from patients with late stage classic RA undergoing remedial synovectomy or arthroplasty of the knee. Synovial tissue was separated from any associated connective tissue or fat. One gram of each synovial specimen was subjected to RNA extraction within 40 min of surgical excision, or explants were cultured in serum-free medium to examine any changes under *in vitro* conditions. For IBD, specimens of macroscopically inflamed lower intestinal mucosa were obtained from patients with Crohn disease undergoing remedial surgery. The hypertrophied mucosal tissue was separated from underlying connective tissue and extracted for RNA.

Cultured Cells. The Mono Mac-6 (MM6) monocytic cells (8) were grown in RPMI medium. Human chondrosarcoma SW1353 cells, primary human chondrocytes, and synoviocytes (9, 10) were cultured in DMEM; all culture media were supplemented with 10% fetal bovine serum, 100 μg/ml streptomycin, and 500 units/ml penicillin. Treatment of cells with lipopolysaccharide (LPS) endotoxin at 30 ng/ml, phorbol 12-myristate 13-acetate (PMA) at 50 ng/ml, tumor necrosis factor α (TNF-α) at 50 ng/ml, interleukin (IL)-1β at 30 ng/ml, or transforming growth factor-β (TGF-β) at 100 ng/ml is described in the figure legends.

Fluorescent Probe, Hybridization, and Scanning. Isolation of mRNA, probe preparation, and quantitation with *Arabidopsis* control mRNAs was essentially as described (3) except for the following minor modification. Following the reverse transcriptase step, the appropriate Cy3- and Cy5-labeled samples were pooled; mRNA degraded by heating the sample to 65°C for 10 min with the addition of 5 μl of 0.5M NaOH plus 0.5 ml of 10 mM EDTA. The pooled cDNA was purified from unincorporated nucleotides by gel filtration in Centri-spin columns (Princeton Separations, Adelphia, NJ). Samples were lyophilized and dissolved in 6 μl of hybridization buffer (5× SSC plus 0.2% SDS). Hybridizations, washes, scanning, quantitation procedures, and pseudocolor representations of fluorescent images have been described (3). Scans for the two fluorescent probes were normalized either to the fluorescence intensity of *Arabidopsis* mRNAs spiked into the labeling reactions (see Figs. 2–4) or to the signal intensity of β-actin and glyceraldehyde-3-phosphate dehydrogenase (GAPDH; see Fig. 5).

RESULTS

Ninety-Six-Gene Microarray Design. The actions of cytokines, growth factors, chemokines, transcription factors, MMPs, prostaglandins, and leukotrienes are well recognized in inflammatory disease, particularly RA (11–14). Fig. 1 displays the selected genes for this study and also includes control cDNAs of housekeeping genes such as β-actin and GAPDH and genes from *Arabidopsis* for signal normalization and quantitation (row A, columns 1–12).

Defining Microarray Assay Conditions. Different lengths and concentrations of target DNA were tested by arraying PCR-

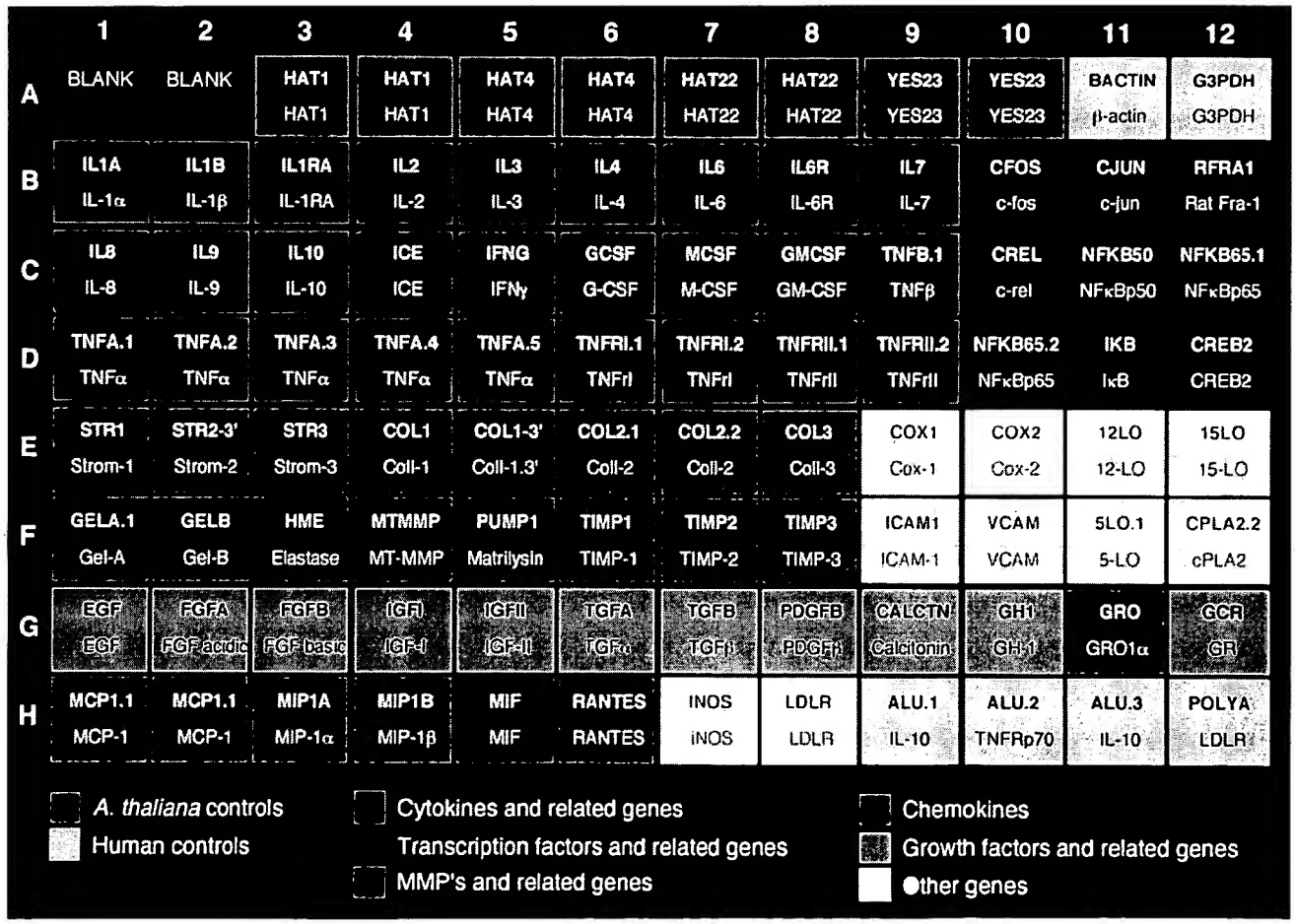

FIG. 1. Ninety-six-element microarray design. The target element name and the corresponding gene are shown in the layout. Some genes have more than one target element to guarantee specificity of signal. For TNF the targets represent decreasing lengths of 1, 0.8, 0.6, 0.4, and 0.2 kb from left to right.

amplified products ranging from 0.2 to 1.2 kb at concentrations of 1 $\mu g/\mu l$ or less. No significant difference in the signal levels was observed within this range of target size and only with 0.2-kb length was a signal reduced upon an 8-fold dilution of the 1 $\mu g/\mu l$ sample (data not shown). In this study the average length of the targets was 1 kb, with a few exceptions in the range of $\approx$300 bp, arrayed at a concentration of 1 $\mu g/\mu l$. Normally one PCR provided sufficient material to fabricate up to 1000 microarray targets.

In considering positional effects in the development of the targets for the microarrays, selection was biased toward the 3′ proximal regions, because the signal was reduced if the target fragment was biased toward the 5′ end (data not shown). This result was anticipated since the hybridizing probe is prepared by reverse transcription with oligo(dT)-primed mRNA and is richer in 3′ proximal sequences. Cross-hybridizations of probes to targets of a gene family were analyzed with the matrix metalloproteinases as the example because they can show regions of sequence identities of greater than 70%. With collagenase-1 (Col-1) and collagenase-2 (Col-2) genes as targets with up to 70% sequence identity, and stromelysin-1 (Strom-1) and stromelysin-2 (Strom-2) genes with different degrees of identity, our results showed that a short region of overlap, even with 70–90% sequence identity, produced a low level of cross-hybridization. However, shorter regions of identity spread over the length of the target resulted in cross-hybridization (data not shown). For closely related genes, targets were designed by avoiding long stretches of homology. For members of a gene family two or more target regions were included to discriminate between specificity of signal versus cross-hybridization.

Monitoring Differential Expression in Cultured Cell Lines. In RA tissue, the monocyte/macrophage population plays a prominent role in phagocytic and immunomodulatory activities. Typ-

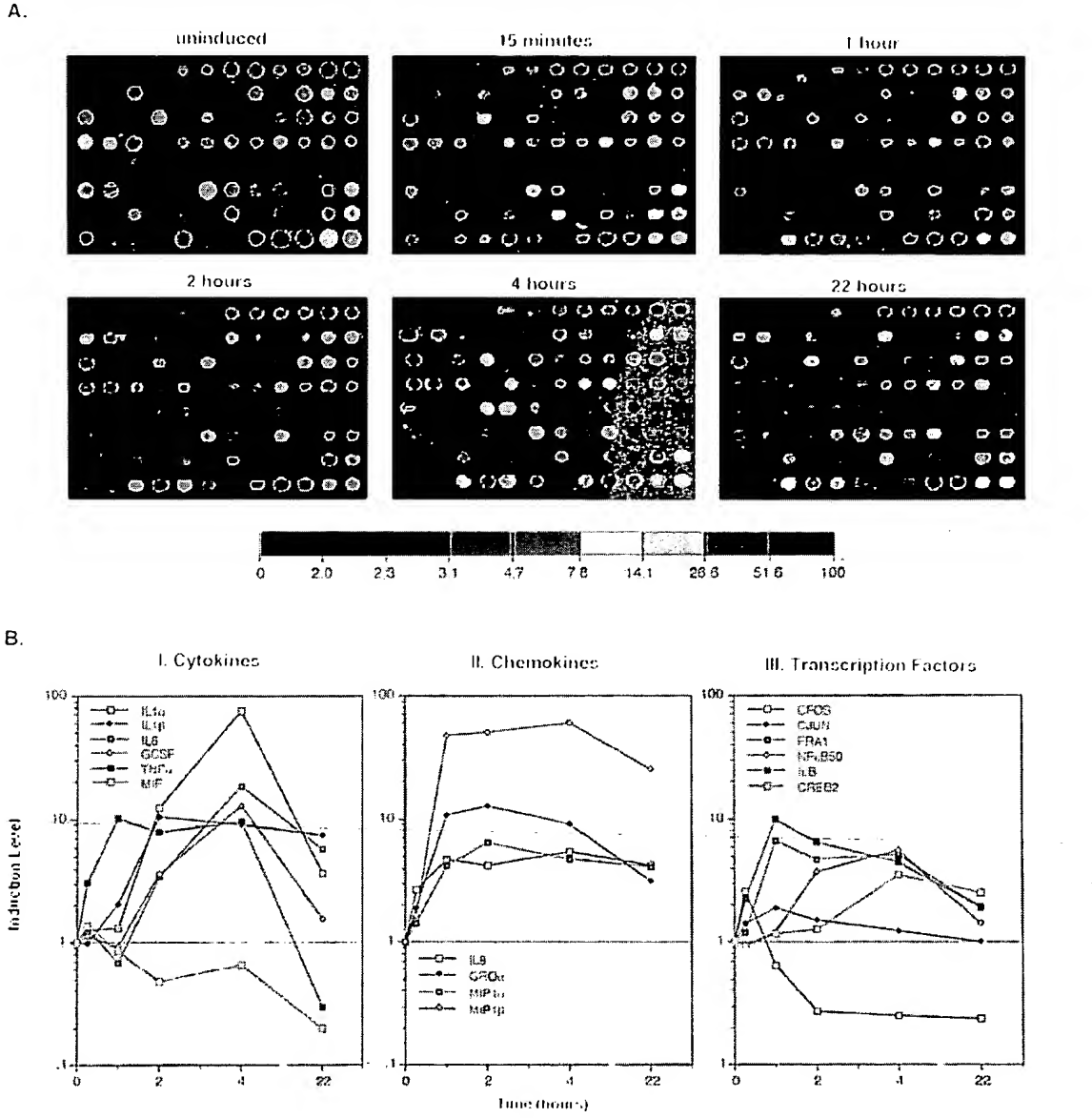

FIG. 2. Time course for LPS/PMA-induced MM6 cells. Array elements are described in Fig. 1. (*A*) Pseudocolor representations of fluorescent scans correspond to gene expression levels at each time point. The array is made up of 8 *Arabidopsis* control targets and 86 human cDNA targets, the majority of which are genes with known or suspected involvement in inflammation. The color bars provide a comparative calibration scale between arrays and are derived from the *Arabidopsis* mRNA samples that are introduced in equal amounts during probe preparation. Fluorescent probes were made by labeling mRNA from untreated MM6 cells or LPS and PMA treated cells. mRNA was isolated at indicated times after induction. (*B I–III*) The two-color samples were cohybridized, and microarray scans provided the data for the levels of select transcripts at different time points relative to abundance at time zero. The analysis was performed using normalized data collected from 8-bit images.

ically these cells, when triggered by an immunogen, produce the proinflammatroy cytokines TNF and IL-1. We have used the monocyte cell line MM6 and monitored changes in gene expression upon activation with LPS endotoxin, a component of Gram-negative bacterial membranes, and PMA, which augments the action of LPS on TNF production (15). RNA was isolated at different times after induction and used for cDNA probe preparation. From this time course it was clear that TNF expression was induced within 15 min of treatment, reached maximum levels in 1 hr, remained high until 4 hr and subsequently declined (Fig. 2*A*). Many other cytokine genes were also transiently activated, such as IL-1α and -β, IL-6, and granulocyte colony-stimulating factor (GCSF). Prominent chemokines activated were IL-8, macrophage inflammatory protein (MIP)-1β, more so than MIP-1α, and Groα or melanoma growth stimulatory factor. Migration inhibitory factor (MIF) expressed in the uninduced state declined in LPS-activated cells. Of the immediate early genes, the noticeable ones were c-*fos*, *fra-1*, c-*jun*, NF-κBp50, and IκB, with c-*rel* expression observed even in the uninduced state (Fig. 2*B*). These expression patterns are consistent with reported patterns of activation of certain LPS- and PMA-induced genes (12). Demonstrated here is the unique ability of this system to allow parallel visualization of a large number of gene activities over a period of time.

SW1353 cells is a line derived from malignant tumors of the cartilage and behaves much like the chondrocytes upon stimulation with TNF and IL-1 in the expression of MMPs (9). In addition to confirming our earlier observations with Northern blots on Strom-1, Col-1, and Col-3 expression (9), gelatinase (Gel) A, putative metalloproteinase (PUMP)-1 membrane-type matrix metalloproteinase, tissue inhibitors of matrix metalloproteinases or tissue inhibitor of metalloproteinase 1 (TIMP-1), -2, and -3 were also expressed by these cells together with the human matrix metallo-elastase (HME; Fig. 3*A*). HME induction was estimated to be ≈50-fold and was greater than any of the other MMPs examined (Fig. 3*B*). This result was unexpected because HME is reportedly expressed only by alveolar macrophage and placental cells (16). Expression of the cytokines and chemokines, IL-6, IL-8, MIF, and MIP-1β was also noted. A variety of other genes, including certain transcription factors, were also up-regulated (Fig. 3), but the overall time-dependent expression of genes in the SW1353 cells was qualitatively distinct from the MM6 cells.

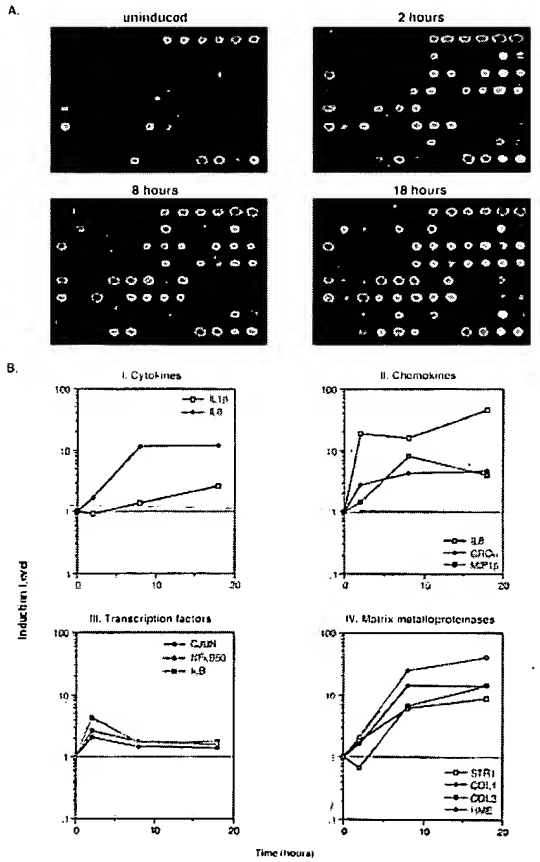

FIG. 3. Time course for IL-1β and TNF-induced SW1353 cells using the inflammation array (Fig. 1). (*A*) Pseudocolor representation of fluorescent scans correspond to gene expression levels at each time point. (*B I–IV*) Relative levels of selected genes at different time points compared with time zero.

Quantitation of differential gene expression (Figs. 2*B* and 3*B*) was achieved with the simultaneous hybridization of Cy3-labeled cDNA from untreated cells and Cy5-labeled cDNA from treated samples. The estimated increases in expression from these microarrays for a select number of genes including IL-1β, IL-8, MIP-1β, TNF, HME, Col-1, Col-3, Strom-1, and Strom-2 were compared with data collected from dot blot analysis. Results (not shown) were in close agreement and confirmed our earlier observations on the use of the microarray method for the quantitation of gene expression (3).

Expression Profiles in Primary Chondrocytes and Synoviocytes of Human RA Tissue. Given the sensitivity and the specificity of this method, expression profiles of primary synoviocytes and chondrocytes from diseased tissue were examined. Without prior exposure to inducing agents, low level expression of c-*jun*, GCSF, IL-3, TNF-β, MIF, and RANTES (regulated upon activation, normal T cell expressed and secreted) was seen as well as expression of MMPs, GelA, Strom-1, Col-1, and the three TIMPs. In this case, Col-2 hybridization was considered to be nonspecific because the second Col-2 target taken from the 3′ end of the gene gave no

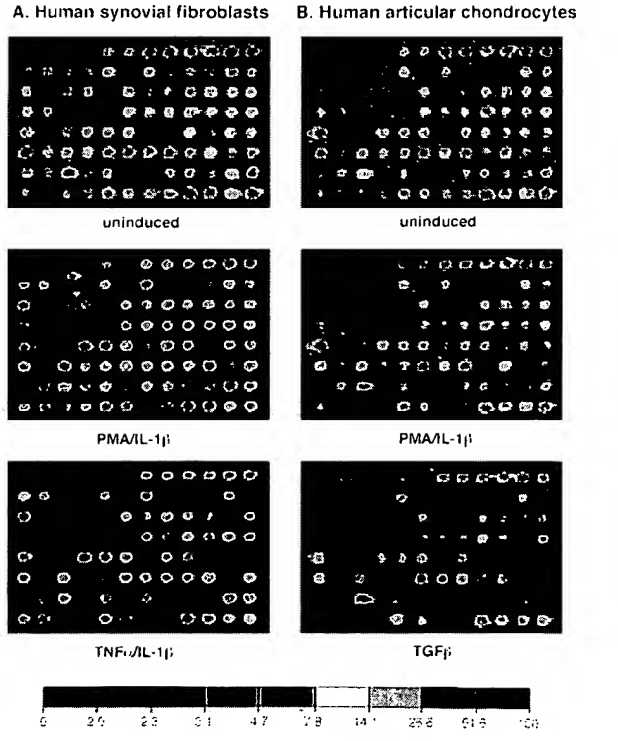

FIG. 4. Expression profiles for early passage primary synoviocytes and chondrocytes isolated from RA tissue, cultured in the presence of 10% fetal calf serum and activated with PMA and IL-1β, or TNF and IL-1β, or TGF-β for 18 hr. The color bars provide a comparative calibration scale between arrays and are derived from the *Arabidopsis* mRNA samples that are introduced in equal amounts during probe preparation

signal. Treatment more so with PMA and IL-1, than TNF and IL-1, produced a dramatic up-regulation in expression of several genes in both of these primary cell types. These genes are as follows: the cytokine IL-6, the chemokines IL-8 and Gro-1α, and the MMPs; Strom-1, Col-1, Col-3, and HME; and the adhesion molecule, vascular cell adhesion molecule 1 (VCAM-1). The surprise again is HME expression in these primary cells, for reasons discussed above. From these results, the expression profiles of synoviocytes and the chondrocytes appear very similar; the differences are more quantitative than qualitative. Treatment of the primary chondrocytes with the anabolic growth factor TGF-β had an interesting profile in that it produced a remarkable down-regulation of genes expressed in both the untreated and induced state (Fig. 4).

Given the demonstrated effectiveness of this technology, a comparative analysis of two different inflammatory disease states was conducted with probes made from RA tissue and IBD samples. RA samples were from late stage rheumatoid synovial tissue, and IBD specimens were obtained from inflamed lower intestinal mucosa of patients with Crohn disease. With both the 96-element known gene microarray and the 1000-gene microarray of cDNAs selected from a peripheral human blood cell library (3), distinct differences in gene expression patterns were evident. On the 96-gene array, RA tissue samples from different affected individuals gave similar profiles (data not shown) as did different samples from the same individual (Fig. 5). These patterns were notably similar to those observed with primary synoviocytes and chondrocytes (Fig. 4). Included in the list of prominently up-regulated genes are IL-6, the MMPs Strom-1, Col-1, GelA, HME, and in

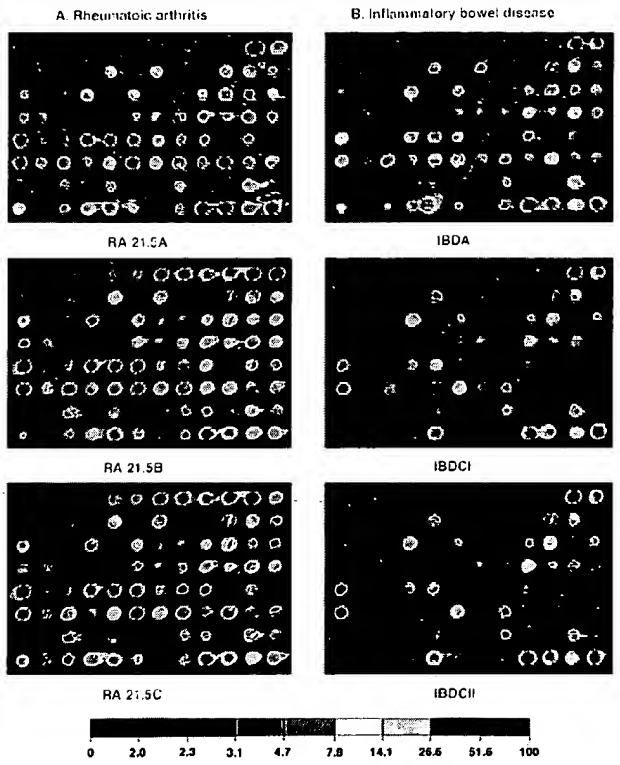

FIG. 5. Expression profiles of RA tissue (*A*) and IBD tissue (*B*). mRNA from RA tissue samples obtained from the same individual was isolated directly after excision (RA 21.5A) or maintained in culture without serum for 2 hr (RA 21.5B) or for 6 hr (RA 21.5C). Profiles from tissue samples of two other individuals (data not shown) were remarkably similar to the ones shown here. IBD-A and IBD-CI are from mRNA samples prepared directly after surgery from two separate individuals. For the IBD-CII probe, the tissue sample was cultured in medium without serum for 2 hr before mRNA preparation.

certain samples PUMP, TIMPs, particularly TIMP-1 and TIMP-3, and the adhesion molecule VCAM. Discernible levels of macrophage chemotactic protein 1 (MCP-1), MIF and RANTES were also noted. IBD samples were in comparison, rather subdued although IL-1 converting enzyme (ICE), TIMP-1, and MIF were notable in all the three different IBD samples examined here. In IBD-A, one of three individual samples, ICE, VCAM, Groα, and MMP expression was more pronounced than in the others.

We also made use of a peripheral blood cDNA library (3) to identify genes expressed by lymphocytes infiltrating the inflamed tissues from the circulating blood. With the 1046-element array of randomly selected cDNAs from this library, probes made from RA and IBD samples showed hybridizations to a large number of genes. Of these, many were common between the two disease tissues while others were differentially expressed (data not shown). A complete survey of these genes was beyond the scope of this study, but for this report we picked three genes that were up-regulated in the RA tissue relative to IBD. These cDNAs were sequenced and identified by comparison to the GenBank database. They are TIMP-1, apoferritin light chain, and manganese superoxide dismutase (MnSOD). Differential expression of MnSOD was only observed in samples of RA tissue explants maintained in growth medium without serum for anywhere between 2 to 16 hr. These results also indicate that the expression profile of genes can be altered when explants are transferred to culture conditions.

DISCUSSION

The speed, ease, and feasibility of simultaneously monitoring differential expression of hundreds of genes with the cDNA microarray based system (1–3) is demonstrated here in the analysis of a complex disease such as RA. Many different cell types in the RA tissue; macrophages, lymphocytes, plasma cells, neutrophils, synoviocytes, chondrocytes, etc. are known to contribute to the development of the disease with the expression of gene products known to be proinflammatory. They include the cytokines, chemokines, growth factors, MMPs, eicosanoids, and others (7, 11–14), and the design of the 96-element known gene microarray was based on this knowledge and depended on the availability of the genes. The technology was validated by confirming earlier observations on the expression of TNF by the monocyte cell line MM6, and of Col-1 and Col-3 expression in the chondrosarcoma cells and articular chondrocytes (9, 12). In our time-dependent survey the chronological order of gene activities in and between gene families was compared and the results have provided unprecedented profiles of the cytokines (TNF, IL-1, IL-6, GCSF, and MIF), chemokines (MIP-1α, MIP-1β, IL-8, and Gro-1), certain transcription factors, and the matrix metalloproteinases (GelA, Strom-1, Col-1, Col-3, HME) in the macrophage cell line MM6 and in the SW1353 chondrosarcoma cells.

Earlier reports of cytokine production in the diseased state had established a model in which TNF is a major participant in RA. Its expression reportedly preceded that of the other cytokines and effector molecules (4). Our results strongly support these results as demonstrated in the time course of the MM6 cells where TNF induction preceded that of IL-1α and IL-β followed by IL-6 and GCSF. These expression profiles demonstrate the utility of the microarrays in determining the hierarachy of signaling events.

In the SW1353 chondrosarcoma cells, all the known MMPs and TIMPs were examined simultaneously. HME expression was discovered, which previously had been observed in only the stromal cells and alveolar macrophages of smoker's lungs and in placental tissue. Its presence in cells of the RA tissue is meaningful because its activity can cause significant destruction of elastin and basement membrane components (16, 17). Expression profiles of synovial fibroblasts and articular chondrocytes were remarkably similar and not too different from the SW1353 cells, indicating that the fibroblast and the chondrocyte can play equally aggressive roles in joint erosion. Prominent genes expressed were

the MMPs, but chemokines and cytokines were also produced by these cells. The effect of the anabolic growth factor TGF-β was profoundly evident in demonstrating the down regulation of these catabolic activities.

RA tissue samples undeniably reflected profiles similar to the cell types examined. Active genes observed were IL-3, IL-6, ICE, the MMPs including HME and TIMPs, chemokines IL-8, Groα, MIP, MIF, and RANTES, and the adhesion molecule VCAM. Of the growth factors, fibroblast growth factor β was observed most frequently. In comparison, the expression patterns in the other inflammatory state (i.e., IBD) were not as marked as in the RA samples, at least as obtained from the tissue samples selected for this study.

As an alternative approach, the 1046 cDNA microarray of randomly selected genes from a lymphocyte library was used to identify genes expressed in RA tissue (3). Many genes on this array hybridized with probes made from both RA and IBD tissue samples. The results are not surprising because inflammatory tissue is abundantly supplied with cell types infiltrating from the circulating blood, made apparent also by the high levels of chemokine expression in RA tissue. Because of the magnitude of the effort required to identify all the hybridized genes, we have for this report chosen to describe only three differentially expressed genes mainly to verify this method of analysis.

Of the large number of genes observed here, a fair number were already known as active participants in inflammatory disease. These are TNF, IL-1, IL-6, IL-8, GCSF, RANTES, and VCAM. The novel participants not previously reported are HME, IL-3, ICE, and Groα. With our discovery of HME expression in RA, this gene becomes a target for drug intervention. ICE is a cysteine protease well known for its IL-1β processing activity (18), and recognized for its role in apoptotic cell death (19). Its expression in RA tissue is intriguing. IL-3 is recognized for its growth-promoting activity in hematopoietic cell lineages, is a product of activated T cells (20), and its expression in synoviocytes and chondrocytes of RA tissue is a novel observation.

Like IL-8, Groα, is a C-X-C subgroup chemokine and is a potent neutrophil and basophil chemoattractant. It downregulates the expression of types I and III interstitial collagens (21, 22) and is seen here produced by the MM6 cells, in primary synoviocytes, and in RA tissue. With the presence of RANTES, MCP, and MIP-1β, the C-C chemokines (23) migration and infiltration of monocytes, particularly T cells, into the tissue is also enhanced (5) and aid in the trafficking and recruitment of leukocytes into the RA tissue. Their activation, phagocytosis, degranulation, and respiratory bursts could be responsible for the induction of MnSOD in RA. MnSOD is also induced by TNF and IL-1 and serves a protective function against oxidative damage. The induction of the ferritin light chain encoding gene in this tissue may be for reasons similar to those for MnSOD. Ferritin is the major intracellular iron storage protein and it is responsive to intracellular oxidative stress and reactive oxygen intermediates generated during inflammation (24, 25). The active expression of TIMP-1 in RA tissue, as detected by the 1000-element array, is no surprise because our results have repeatedly shown TIMP-1 to be expressed in the constitutive and induced states of RA cells and tissues.

The suitability of the cDNA microarray technology for profiling diseases and for identifying disease related genes is well documented here. This technology could provide new targets for drug development and disease therapies, and in doing so allow for improved treatment of chronic diseases that are challenging because of their complexity.

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